IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6444 of 2007()

CRMP.4200/2007 of DISTRICT COURT, THODUPUZHA
[CRIME NO.686/2007 OF THODUPUZHA POLICE STATION]

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: PETITIONER/ACCUSED

MANOJ, S/O.RAMACHANDRAN NAIR,
AGED 25 YEARS, ORERI VEETTIL,
PULIYANCHERRY VILLAGE,
KOYILANDI TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.B.V.JOY SANKER

RESPONDENT/STATE/COMPLAINANT:

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1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE,
KANJAR, THODUPUZHA POLICE STATION.
THODUPUZHA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6444 of 2007

Dated this the 24th day of October 2007

O R D E R

Application for regular bail. The petitioner faces allegations in a crime registered inter alia under Sections 457,380,461 and 414 I.P.C. About 33 mobile phones were thieved from the possession of the de facto complainant. On his complaint, the crime was registered. Later, making use of modern technology and assistance from the mobile manufacturing company, it was traced that one mobile phone was being used by a customer at Mangalore. That person was traced. He explained that he had obtained the mobile phone for a much lesser price from the petitioner herein. The petitioner was arrested on 22/9/2007. According to the petitioner, he had received two mobile phones for a much lesser price from one Sivaprasad alias Kutty. Investigation is in progress. The said Sivaprasad alia Kutty has not been traced so far. The petitioner continues in custody from 22/9/2007.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He has been falsely implicated. The more influential and affluent persons have gone out of the net now and it is the petitioner who is left to face the consequence, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor denies all the contentions raised; but submits that the petitioner who has remained in custody from 22/9/2007 can now be released on bail subject to appropriate terms and conditions. The learned Public Prosecutor submits that the petitioner is not shown to have any criminal antecedents. Investigation shows that he has dealt with only two of the many mobile phones that were thieved. It is, in these circumstances, that the State does not want to oppose the application for bail of the petitioner, submits the learned Public Prosecutor.

4. I am satisfied, on considering all the relevant inputs that the petitioner can now be granted regular bail subject to appropriate terms and conditions:

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007